

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DR. BRIMA SYLLA, *et al.*,

Plaintiffs,

-against-

AMAZON LABOR UNION, and CHRIS SMALLS, as
President of the Amazon Labor Union,

Defendants.

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Case No. 23-5261

CONSENT ORDER

IT IS HEREBY STIPULATED AND AGREED this 5th day of January 2024 by and between Plaintiffs Brima Sylla *et. al* (collectively referred to as the Democratic Caucus of the Amazon Labor Union (hereafter the caucus) and the Amazon Labor Union and Christian Smalls, (hereafter ALU Defendants or ALU) through their counsel as follows:

1. The parties recognize that regardless of the legal merits or lack thereof in this litigation, continuing the litigation prevents all parties from uniting to work towards a good contract for the workers at Amazon's JFK 8 facility.

2. To this end the parties have committed to work together to achieve their common end of improving working conditions at Amazon by, *inter alia*, concluding a collective bargaining agreement at JFK8 and at the same time giving the members of the union a say in whether to hold various elections.

3. The parties have published a Unity Statement, emphasizing a desire to address winning the fight against Amazon's union busting activities and unfair disciplines against employees as well as their resistance to acknowledging the fair election victory by the ALU in April of 2022. The goal is to work together to achieve a collective bargaining agreement.

4. The parties agree to make no public statements either internally or externally critical of the other and to work together in the common interest of Amazon workers. This does not mean that parties must agree on issues, rather that disagreements be addressed on the merits and not as public personal attacks on various persons or union leaders.

5. Members the Caucus shall reintegrate with the union's representation mechanisms, so that the parties can both work to represent Amazon employees inside the warehouse and to jointly organize collective action.

6. On either Saturday February 24 or Sunday February 25, the union will hold a mass meeting of the members at a location as near to JFK 8 as possible.

7. The members will be advised of this meeting by all possible means to ensure wide participation. These means include sending emails, passing out and posting flyers, making phone calls and any other means to ensure that notice of the meeting and its purposes are given to all eligible Union members on all shifts and to those former employees who are eligible to vote.

8. The parties will seek assistance from the Court to access mailing and email lists of current JFK 8 workers or to use in advertising the mass meeting.

9. The purposes of this meeting will be for the Union's leadership to (1) update the members on ongoing activities of the union and progress toward bargaining a contract (2) to discuss whether to hold elections for new officers in the few months following the meeting, and (3) to discuss whether to elect a constitution committee to propose updating and amending the Union's constitution. The meeting will also be streamed or accessible on line if possible.

10. To accommodate as many shifts as possible, the meeting will be held at a venue large enough to accommodate members from each shift, and will be held at a time that the parties agree would allow the maximum participation of the members.

11. Voting on the propositions discussed at the mass membership meeting, including whether the officer elections or constitutional committee will take place on days following the mass meeting by secret ballot from Tuesday February 27 to Saturday March 2 to ensure that members from all shifts interested in having a say may have a time to vote.

12. The parties will work to develop a way for ballot boxes to be set up for voting in the JFK 8 breakrooms if possible or at any other place convenient to the workers.

13. Those no longer employed but still eligible to vote will be able to vote at the union offices, unless the convenient location is not under the control of Amazon

14. To vote on these propositions all currently employed non seasonal worker members must show ID and sign a union membership card.

15. The mass meeting and the voting will be overseen by the neutral monitor who will be selected by the parties, or Magistrate Merkl if there is no agreement among the parties. This selection should be made by January 16, 2024.

16. The parties will work to decide the logistical details for the meeting and the voting process on the two propositions. Any disagreements will be resolved by the neutral monitor.

17. Those eligible to vote will be those listed as eligible for membership in the November 2022 Constitution which states: Eligibility for membership in the Union shall be restricted to all workers in the ALU JFK 8 bargaining unit, including flex and part-time workers, employees on medical or workers compensation leave, those who are actively contesting their termination, or who are serving as officers or staff of ALU. Unusual circumstances of persons who previously worked for Amazon as non-seasonal workers can be addressed by the parties, and if they don't agree, by appeal to the neutral monitor.

18. The questions to be voted on after the mass meeting will be 1) whether the ALU should conduct an officer election, and/2) whether there should be an election of a constitution committee, no sooner than the end of May 2024 or no later than the end of July 2024.

19. If the members vote to have either or both elections, the decision about whether the election will occur in May or sometime later through the end of July will be determined by the neutral monitor and will depend on whether the monitor believes the election rules and/or election infrastructure are sufficiently developed by May 2024 to ensure a free and fair election at that time.

20. If the neutral monitor believes the infrastructure for an election needs further development the election can be scheduled no later than the end of July, 2024.

21. All parties shall work together as soon as possible to develop data bases for potential voters such that contact with each potential voter may be developed not only for an election but also for continued communication with the membership.

22. If the members agree to an election of officers, the parties shall work to develop nominating procedures and election rules for this election consistent with the current constitution, and the LMRDA, and OLMS regulations. Any disputes between the parties regarding these rules will be resolved by the neutral monitor.

23. If the members agree to hold an election for officers, the election will be for President, Vice President, Recording Secretary, and Secretary Treasurer.

24. If the members agree to create an elected constitution committee, the election shall be for an eleven (11) member committee; the election will be conducted in conjunction with the officer election if the members vote for an officer election, but in any case would be at the times referred to in this agreement of either May or July.

25. If at any time before the mass meeting or the election(s) if the members vote to have them, Amazon is ordered to bargain with the union, and active bargaining has commenced or

been scheduled to commence, the parties agree to pause this agreement so as to engage in bargaining, to the extent permissible by the Department of Labor under the LMRDA .

Dated: January 5, 2024

AMAZON LABOR UNION

By: Christian Smalls / w/ permission

Jeanne Mirer
Jeanne Mirer
Counsel for Defendants

DEMOCRATIC CAUCUS OF THE
AMAZON LABOR UNION

By: [Signature]

Arthur Z. Schwartz
Arthur Z. Schwartz
Counsel for Plaintiffs

SO ORDERED:

S/Ann M. Donnelly

UNITED STATES DISTRICT JUDGE